

**Matter of Capano**  
**Del. Supr. No. 547, 2001 (11/15/01)**  
**Board Case No. 109, 1997**

**Disciplinary Rules:**           DLRPC 8.4(b)

**Sanction Imposed:**           Disbarment by Consent

By Order of the Delaware Supreme Court dated November 21, 1997, Thomas J. Capano (the “Respondent”) was suspended from practice before the Bar on an interim basis pending final determination of charges against the Respondent of murder in the first degree (11 Del. C. Section 636), a class A felony. (Delaware Supreme Court No. 471, 1997). On January 17, 1999, at the conclusion of a jury trial in the Superior Court of the State of Delaware, the Respondent was convicted of murder in the first degree. By Order dated March 16, 1999, Superior Court Judge William Swain Lee sentenced the Respondent to death by lethal injection. The Court affirmed the Respondent’s conviction and sentence on direct appeal. *Capano v. State*, Del. Supr., 781 A.2d 556 (2001).

The Office of Disciplinary Counsel (“ODC”) and the Respondent, through his counsel, jointly submitted to the Delaware Supreme Court, pursuant to Rule 17(e) of the Delaware Lawyers’ Rules of Disciplinary Procedure, a Stipulation of Disbarment by Consent. The Court ruled that the Respondent’s conviction of a serious crime is conduct in violation of Rule 8.4(b) of the Delaware Lawyers’ Rules of Professional Conduct, which provides that it is misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s fitness as a lawyer. The Court ordered that the Respondent be disbarred from the practice of law in Delaware and that his name be stricken from the roll of attorneys licensed to practice before the Courts of the State of Delaware.